| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/660,531 | 09/13/2000 | Timothy W. Genske | LS/0005.00 | 7168 |

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| EXAMINER |
|---|
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/660,531 | GENSKE ET AL. |
| | Examiner | Art Unit | |
| | Azizul Choudhury | 2145 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>21 February 2007</u>.

2a)☒ This action is **FINAL.**    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>58-74</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>58-74</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 September 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All  b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## Detailed Action

This office action is in response to the correspondence received on February 21, 2007.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 64 recites the limitation "first device". There is insufficient antecedent basis for this limitation in the claim.

Claim 64 recites the limitation "second device". There is insufficient antecedent basis for this limitation in the claim.

Claim 65 recites the limitation "second device". There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 58-74 are rejected under 35 U.S.C. 102(b) as being anticipated by Garney (US Pat No: 5,319,751).

1. With regards to claim 58, Garney teaches a method for operating a client device that can be connected to a host device, comprising: detecting when a connection to a host device is established (Garney's design features a flag to indicate the detection of a connection between the feature card (client) and the computer (host); column 4, lines 13-20); identifying the host device, a type of the host device being selected from among a plurality of host device types (Garney's design has the feature card (client) traverse its list to determine the host; column 4, lines 8-20); transmitting executable information selected based on the type of the host device to the host device (column 3, lines 63-66); invoking execution of the executable information at the host device (column 3, lines 66-68); and entering a listening mode to receive a message sent by the executable information executing at the host device (column 6, lines 4-8).

2. With regards to claim 59, Garney teaches the method wherein the executable information comprises a device driver file (column 3, line 24).

3. With regards to claim 60, Garney teaches the method wherein the device driver file, upon execution, controls interaction between the client device and the host device (column 3, line 35-40).

4.  With regards to claim 61, Garney teaches the method wherein the client

    device comprises a digital camera (Garney's design teaches that the client

    device is a removable resource (column 5, lines 14-16). A digital camera is

    equivalent to a removable resource).

5.  With regards to claim 62, Garney teaches the method wherein transmitting

    comprises: establishing a Transmission Control Protocol/Internet Protocol

    ("TCP/IP") connection to the host device; and transmitting the executable

    information via the TCP/IP connection (Since the driver information is

    transferred into a computer system memory without it being known what

    device is attaching to the computer system (column, 3, lines 63-68), it is

    inherent that a protocol is present. In addition, Garney states that any

    reasonable modifications and variations are acceptable (column 14, lines 46-

    51); hence any transfer protocol (i.e. TCP/IP) is acceptable).

6.  With regards to claim 63, Garney teaches the method wherein invoking

    execution comprises: instructing the host device to restart itself (The feature

    card of Garney's design has full drivers (column 3, lines 43-44) which if

    installed in the computer would require a restart of the host).

7.  With regards to claim 66, Garney teaches an apparatus comprising: a

    physical interface manager to detect when the apparatus is connected to a

host (Garney's design features a flag to indicate the detection of a connection between the feature card (client) and the computer (host); column 4, lines 13-20); a driver uploader to identify a type of the host (Garney's design has the feature card (client) traverse its list to determine the host; column 4, lines 8-20), transmit a driver appropriate for the host type (column 3, lines 63-66), and invoke the driver at the host (column 3, lines 66-68); and a command server to respond to commands from the driver (column 6, lines 4-8).

8. With regards to claim 67, Garney teaches the apparatus further comprising: a Transmission Control Protocol/Internet Protocol ("TCP/IP") protocol stack to perform TCP/IP communication between the apparatus and the host (Since the driver information is transferred into a computer system memory without it being known what device is attaching to the computer system (column, 3, lines 63-68), it is inherent that a protocol is present. In addition, Garney states that any reasonable modifications and variations are acceptable (column 14, lines 46-51); hence any transfer protocol (i.e. TCP/IP) is acceptable).

9. With regards to claim 68, Garney teaches the apparatus further comprising: an Extensible Markup Language ("XML") parser to package commands and data using XML syntax (The driver is simply executable (column 3, lines 66-68) and hence any language is acceptable (including XML)).

10. With regards to claim 69, Garney teaches the apparatus further comprising: a
registry manager to store Transmission Control Protocol / Internet Protocol
("TCP/IP") configuration settings for communicating with the host (Since the
driver information is transferred into a computer system memory without it
being known what device is attaching to the computer system (column, 3,
lines 63-68), it is inherent that a protocol is present. In addition, Garney
states that any reasonable modifications and variations are acceptable
(column 14, lines 46-51); hence any transfer protocol (i.e. TCP/IP) is
acceptable. In addition, to implement TCP/IP, it is inherent that the claimed
"registry manager" means must exist).

11. With regards to claim 70, Garney teaches the apparatus further comprising: a
file system to store the driver for transmission to the host (column 3, lines 41-
51).

12. With regards to claim 71, Garney teaches the apparatus wherein the driver is
a Java program (The driver is simply executable (column 3, lines 66-68) and
hence any language is acceptable (including JAVA)).

13. With regards to claim 72, Garney teaches the apparatus wherein the
apparatus is a digital camera (Garney's design teaches that the client device

is a removable resource (column 5, lines 14-16). A digital camera is

equivalent to a removable resource).

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Garney

in view of Shaughnessy et al (US Patent No: US005928325A), hereafter referred to as

Shaughnessy.

14. With regards to claim 64, Garney teaches through Shaughnessy, the method

wherein the first device comprises a digital camera device and wherein said

method further comprises: upon execution of said executable file at said

second device, transferring image information from said digital camera device

to said second device (Garney teaches a design allowing a feature card (first

device) to transfer and execute a driver on a computer system (second

device) (column 3, line 63 – column 4, line 7, Garney). However Garney does

not teach the transfer of an image between the first and second devices. In

the same field of endeavor, Shaughnessy teaches a design that allows for the

transmission of digital images (column 4, line 26, Shaughnessy).

Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Shaughnessy with those of Garney, to provide a computer system having an interface for receiving removable electronic feature cards that may be inserted or removed at any time during operation of the computer system (column 4, lines 50-54, Garney)).

15. With regards to claim 65, Garney teaches through Shaughnessy, the method further comprising: after transferring said image information from the digital camera device to the second device, the second device wirelessly transmitting the image information to a third device (Shaughnessy teaches how wireless resources are able to transmit and receive digital images; column 4, lines 23-29, Shaughnessy).

16. With regards to claim 73, Garney teaches through Shaughnessy, the apparatus wherein the host is a cellular telephone (Shaughnessy teaches how wireless communication resources such as cell phones are able to transmit and receive digital images; column 4, lines 23-29, Shaughnessy).

17. With regards to claim 74, Garney teaches through Shaughnessy, the apparatus wherein the driver uploader includes at least two drivers, the two drivers designed for different hosts (Garney teaches how the feature card

traverses a list to determine the host appropriate host; column 4, lines 8-20.

Hence it is evident that multiple drivers exist within the feature card for

multiple hosts).


18. The obviousness motivation applied to claim 64 is applicable to claims 65 and

73-74.


### *Response to Amendment*

The amendment filed on February 21, 2007 has been carefully considered but is

not deemed fully persuasive. In lieu of the new claims, a new office action has been

compiled. The following are the examiner's response to the applicant's concerns.

The first point of contention involves the claim trait of "identifying the host

device." The applicant contends that the Garney prior art does not teach such a

limitation. The examiner disagrees. Garney's design features a flag to indicate the

detection of a connection between the feature card (client) and the computer (host);

column 4, lines 13-20.

The second point of contention involves the claim traits of, "identifying the host

device," and "transmitting executable information selected based on the type of the host

device." The applicant contends that the Garney prior art does not teach such

limitations. Again, the examiner disagrees with such assertions. First, Garney's design

has the feature card (client) traverse its list to determine the host; column 4, lines 8-20.

Then, the appropriate driver stub is transferred; column 3, lines 63-66.

## *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

JASON CARDONE
SUPERVISORY PATENT EXAMINER